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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,439	08/19/2003	Jayendu Patel	14173-002001	4428
26161	7590	03/07/2006	EXAMINER	
FISH & RICHARDSON PC			GRAYSAY, TAMARA L	
P.O. BOX 1022			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55440-1022			3636	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

The reply filed on 12 January 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

a. In accordance with MPEP 708.02.VIII. Special Examination – Accelerated Examination, the special examining procedure (C) reads, “Any amendment which would require broadening the search field will be treated as an improper reply.” In the present application, applicant has broadened the scope of the claimed subject matter as noted by the following examples:

- i. Original claim 1 was a statistical process in the environment of recommending items to users whereas amended claim 1 is now broadly a method.
- ii. Original claim 1 required the step of maintaining data including storing a history of ratings of items whereas amended claim 1 does not require any ratings of items to be storing of any ratings of items, but rather only history of use. This history of use was not included in the original claim and is not related to any particular element, i.e., use of what. Thus, the scope of the claim is broadened beyond the original claimed subject matter, thus requiring broadening of the search beyond rating of items. The broadening is evidenced by new claim 91, which further limits the storing step to include storing a history of rating of items by users. This change requires a broadened field of search.
- iii. Original claim 1 required computing parameters including predicted ratings of items whereas amended claim 1 performs the step of computing parameters based on ratings of items and not predicted ratings. The broadening is evidenced by new claim 92, which further limits the storing step to include characterizing predicted ratings of items.
- iv. Original claim 1 required computing personalized statistical parameters using the data and parameters which scope has been changed as noted in the previous two paragraphs. This change requires a broadened field of search.
- v. Original claim 27 was not limited as to the basis of the probability distribution whereas amended claim 27 requires that the prior probability distribution is not based on statistics specific to individual users. This change requires a broadened field of search.
- vi. Amended claim 55 requires the expected value of the information comprises a measure of an increase in knowledge of the [about the] user’s preferences. This limitation requires broadening the search of the invention.
- vii. New claim 90 requires broadening the search field to include the step of computing the score by combining *inter alia* the external preference. This limitation was not previously claimed, therefore requiring a broadened field of search.

b. Applicant has not submitted a detailed discussion of the newly cited reference submitted with the information disclosure statement filed 12 January 2006, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the newly cited reference.

Each new application requires such a discussion, in accordance with MPEP § 708.02. Therefore, the examiner believes that such a discussion should be submitted for any later-discovered references provided in an information disclosure statement.

c. In light of the change in claimed subject matter that would result from the proposed amendment to the claim(s), applicant is requested to submit a renewed detailed discussion of references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter of the amended claims is patentable over the newly cited reference.

This request is made because the proposed claimed subject matter is not the same as the claimed subject matter discussed at page 2, § 708.02(VIII)(E) of the Petition to Make Special filed 15 September 2004, which mentions the following three points of how the claimed subject matter is patentable over the references:

- ❖ calculating a group user's predicted ratings of items based on the user's statistical parameters and history of ratings of items by the user;
- ❖ computing parameters associated with one or more groups of users; and
- ❖ computing personalized parameters for a user using the parameters associated with that user's group of users and a history of ratings of items by that user.

Applicant has amended the claim(s) so that the claim(s) no longer include the specific limitations that were particularly pointed out as how the claimed subject matter, as presented in the amendment, is patentable over the references.

See 37 CFR 1.111.

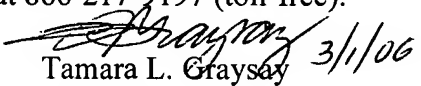
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Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is 571-272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tamara L. Graysay
Examiner
Art Unit 3636

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